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**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

In re:

PG&E CORPORATION,

- and -

**PACIFIC GAS AND ELECTRIC
COMPANY,**

**Reorganized
Debtors.**

- ☐ Affects PG&E Corporation
☐ Affects Pacific Gas and Electric Company
☒ Affects both Reorganized Debtors

** All papers shall be filed in the Lead Case, No.
19-30088 (DM).*

Bankruptcy Case No. 19-30088 (DM)

Chapter 11

(Lead Case) (Jointly Administered)

District Court Case No. 4:23-cv-02761-HSG

**APPELLEES' (I) RESPONSE TO
APPELLANTS' DESIGNATION OF
RECORD AND STATEMENT OF
ISSUES AND (II) DESIGNATION OF
ADDITIONAL ITEMS TO BE
INCLUDED IN THE RECORD ON
APPEAL**

**[Related to Dkt. Nos. 13798, 13845 and
13846]**

1 PG&E Corporation and Pacific Gas and Electric Company (collectively, the “**Appellees**,” the
2 “**Debtors**,” or as reorganized pursuant to the *Debtors’ and Shareholder Proponents’ Joint Chapter 11*
3 *Plan of Reorganization Dated June 19, 2020* [Dkt. No. 8048] (as it may be amended, modified, or
4 supplemented and together with any exhibits or schedules thereto, the “**Plan**”), the “**Reorganized**
5 **Debtors**”) submit this response to the June 21, 2023 filings by Liza Sims, individually and as executrix
6 for the Estate of Edna Gleason, and Thomas and Jaydene Gardner (collectively, the “**Appellants**”) of
7 the *Appellate [sic] Designation of Record on Appeal* [Dkt. No. 13845] and the *Statement of Issues on*
8 *Appeal* [Dkt. No. 13846], and designation of additional items to be included in the record on appeal,
9 in connection with Appellants’ appeal from the *Order Enforcing Discharge and Injunction Provisions*
10 *of Plan and Confirmation Order Against Certain Pending Actions* (the “**Injunction Enforcement**
11 **Order**”), entered on May 26, 2023 [Dkt. No. 13777], by the United States Bankruptcy Court for the
12 Northern District of California (the “**Bankruptcy Court**”).

13 **I. RESPONSE TO STATEMENT OF ISSUES ON APPEAL**

14 The sole issue to be decided in this appeal is whether the Bankruptcy Court erred in
15 determining that Appellants’ continued prosecution of their state court actions against the Debtors for
16 claims arising from the 2018 Camp Fire, including punitive damages claims, violated the discharge
17 and injunction provisions of the Plan and the *Order Confirming Debtors’ and Shareholder*
18 *Proponents’ Joint Chapter 11 Plan of Reorganization Dated June 19, 2020* entered by the Bankruptcy
19 Court on June 20, 2020 [Dkt. No. 8053] (the “**Confirmation Order**”), which channeled all claims
20 arising from certain fires, including the 2018 Camp Fire, to a Fire Victim Trust and discharged the
21 Debtors of all such claims, including punitive damages claims, where the Appellants never objected
22 to or appealed the entry of the Confirmation Order, and the Confirmation Order (including the
23 discharge and injunction provisions approved therein) became a final order and effective three years
24 ago.

25 **II. DESIGNATION OF ADDITIONAL ITEMS TO BE INCLUDED IN RECORD ON**
26 **APPEAL**

27 Pursuant to Federal Rule of Bankruptcy Procedure 8009, the Reorganized Debtors hereby
28 designate the following additional items to be included in the record on appeal, which include all

exhibits and addenda attached thereto and filed therewith and all documents incorporated by reference therein:

Docket items from *In re PG&E Corp., et al.*, Case No. 19-30088 (DM):

Dkt. No.	Description	Date
263	Amended Declaration of Jason P. Wells in Support of First Day Motions and Related Relief	02/01/2019
5733	Amended Notice of Hearing on Approval of (A) Proposed Disclosure Statement for Debtors' and Shareholder Proponents' Joint Chapter 11 Plan of Reorganization; (B) Plan Solicitation and Voting Procedures; (C) Forms of Ballots, Solicitation Packages, and Related Notices; and (D) Other Related Relief	02/11/2020
5839	Certificate of Service	02/19/2020
5852	Certificate of Service	02/20/2020
6320	Debtors' and Shareholder Proponents' Joint Chapter 11 Plan of Reorganization Dated March 16, 2020	03/16/2020
6340	Order (I) Approving Proposed Disclosure Statement for Debtors' and Shareholder Proponents' Joint Chapter 11 Plan of Reorganization; (II) Approving Form and Manner of Notice of Hearing on Proposed Disclosure Statement; (III) Establishing and Approving Plan Solicitation and Voting Procedures; (IV) Approving Forms of Ballots, Solicitation Packages, and Related Notices; and (V) Granting Related Relief	03/17/2020
6353	Disclosure Statement for Debtors' and Shareholder Proponents' Joint Chapter 11 Plan of Reorganization	03/17/2020
6893	Certificate of Service	04/22/2020
7507	Declaration of Christina Pullo of Prime Clerk LLC Regarding Solicitation of Votes and Tabulation of Ballots Cast with Respect to the Debtors' and Shareholder Proponents' Joint Chapter 11 Plan of Reorganization	05/22/2020
8048	Debtors' and Shareholder Proponents' Joint Chapter 11 Plan of Reorganization Dated June 19, 2020	06/19/2020
8053	Order Confirming Debtors' and Shareholder Proponents' Joint Chapter 11 Plan of Reorganization Dated June 19, 2020	06/20/2020

Dkt. No.	Description	Date
8252	Notice of Entry of Confirmation Order and Occurrence of Effective Date of Debtors' and Shareholder Proponents' Joint Chapter 11 Plan of Reorganization Dated June 19, 2020	07/02/2020
8258	Certificate of Service	07/02/2020
8420	Certificate of Service	07/15/2020
8478	Order Denying Motions for Reconsideration	07/22/2020
13326	Order Denying Motion to Recuse	12/08/2022
13687	Notice of Hearing on Reorganized Debtors' Omnibus Motion to Enforce the Discharge and Injunction Provisions of Plan and Confirmation Order Against Certain Pending Actions	04/26/2023
13710	Objections <i>[sic]</i> of Plaintiffs and Claimants Liza Sims, Individually and on Behalf of Thomas and Jaydene Gardner Pursuant to PG&E Motion to Obtain Coverage of "Channeling Injunction" to Defeat Plaintiffs <i>[sic]</i> Various Claims for Punitive Damages (Pursuant to LR 9014-1)	05/10/2023
13711	Declaration of Jane Luciano in Support of Plaintiffs <i>[sic]</i> Objection to PG and E Motion to Defeat Plaintiffs <i>[sic]</i> Claims for Punitive Damages; Exhibits 1 Through 3	05/10/2023
13712	Plaintiffs <i>[sic]</i> Request for Judicial Notice in Support of Objection Filed Contemporaneously Herewith	05/10/2023
13713	Declaration of William D. McCann in Support of Plaintiffs <i>[sic]</i> Objection to PG and E Motion to Defeat Plaintiffs' Claims for Punitive Damages	05/10/2023
13714	William B. Abrams Objection to the Reorganized Debtors' Omnibus Motion to Enforce the Discharge and Injunction provisions of Plan and Confirmation Order Against Certain Pending Actions	05/10/2023
13715	Declaration of William B. Abrams in Support of William B. Abrams Objection to the Reorganized Debtors' Omnibus Motion to Enforce the Discharge and Injunction provisions of Plan and Confirmation Order Against Certain Pending Actions	05/10/2023
13718	Certificate of Service	05/10/2023

Dkt. No.	Description	Date
13721	Efren Robinson, et al.'s Objection to the Reorganized Debtors' Omnibus Motion to Enforce the Discharge and Injunction provisions of Plan and Confirmation Order Against Certain Pending Actions	05/10/2023
13736	Order Regarding Hearing on May 24, 2023	05/16/2023
13743	Certificate of Service	05/17/2023
13755	William B. Abrams Motion for Reconsideration and Relief from the Order Regarding Hearing on May 24, 2023	05/19/2023
13756	Declaration of William B. Abrams in Support of William B. Abrams Motion for Reconsideration and Relief from the Order Regarding Hearing on May 24, 2023	05/19/2023
13784	Certificate of Service	05/31/2023
13795	Certificate of Service	05/31/2023
13798	Notice of Appeal and Statement of Election Filed on Behalf of Liza Sims Individually and as Executrix of the Estate of Edna Gleason and Thomas and Jaydene Gardner	06/01/2023

Proofs of Claim filed in *In re PG&E Corp., et al.*, Case No. 19-30088 (DM):

Claim No.	Claimant	Date
56174	Jaydene Gardner	10/15/2019
56224	Liza Sims	10/15/2019
56255	Thomas Gardner	10/15/2019
56256	Edna Gleason	10/15/2019

The Reorganized Debtors reserve the right to designate additional items for inclusion in the record or restate the issues presented on appeal.

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1 Dated: July 5, 2023

KELLER BENVENUTTI KIM LLP

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4 By: /s/ Thomas B. Rupp
Thomas B. Rupp

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6 *Attorneys for the Appellees (Debtors and*
Reorganized Debtors)